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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/743,286	12/23/2003	Tatjana Gromyko	11884/410401	7860
23838	7590	12/01/2006	EXAMINER	
KENYON & KENYON LLP 1500 K STREET N.W. SUITE 700 WASHINGTON, DC 20005			BONZO, BRYCE P	
			ART UNIT	PAPER NUMBER
			2113	

DATE MAILED: 12/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/743,286	GROMYKO, TATJANA
	<b>Examiner</b>	<b>Art Unit</b>
	Bryce P. Bonzo	2113

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

- 1) Responsive to communication(s) filed on 24 August 2006.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

- 4) Claim(s) 1,2,4,5,7-14,16 and 17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1,2,4,5,7-14,16 and 17 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 24 August 2006 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date _____.	6) <input type="checkbox"/> Other: _____.

## **Final Official Action**

### ***Status of the Claims***

Claims 1, 2, 4, 5 and 7-14, 16, and 17 are rejected under 35 USC §102.

Claim 6 is rejected under 35 USC §103.

### ***Rejections under 35 USC §102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 4, 5 and 7-14, 16, and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Forman (United States Patent Application Publication No. 2002/0162056 A1).

As per the claims, Forman discloses:

1. A method for pre-searching error solutions, comprising:

receiving customer-generated error report comprising a plurality of fields for storing software attributes of a software error ( ¶32; the last sentence specifically enables the use of the system for more than hardware, and thus the explicitly recited hardware attributes correspond to software attributes in a software troubleshooting embodiment as Forman clearly contemplated);

parsing a customer-generated error report to extract a plurality of keywords (¶34);  
assembling a query using the attributes and the keywords as selection criteria (¶34);  
submitting the query to a software solution database (¶39);  
collecting solutions returned from the software solution database in response to the submitted query (¶32);  
sorting the collected solutions based on a sort preference (¶34); and  
formatting the sorted solutions for display (¶32).

2. The method of claim 1, wherein said error report is received over a network from a customer (¶31).
4. The method of claim 1, wherein the error report contains an error summary field that is parsed to extract the plurality of keywords (¶33).
5. The method of claim 1, wherein the sort preference is the number of keywords found in each solution (¶34).
7. The method of claim 1, wherein the query is directed to a message table and a notes table within the software solution database (¶36/¶38).

8. The method of claim 7, wherein the solutions comprise messages obtained from the message table and notes obtained from the notes table (¶36/¶38).

16. The method of claim 1, wherein one of the plurality of fields is to store software component attributes (¶32).

17. The method of claim 1, wherein one of the plurality of fields is to store sender information (¶30, sender is required for Authentication).

Claims 9-12 are the machine readable medium implementation of the Method of claims 1, 4, 5 and 8. As such, these claims are rejected in the same matter.

Claims 13-15 are the computer system of method claims 1 and 2. As such, these claims are rejected in the same matter.

#### ***Rejections under 35 USC §103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Forman.

Forman does not explicitly disclose:

wherein the sort preference is a popularity value of each solution, said popularity value indicating number of times a solution has been returned from the software solution database.

Forman does disclose the sorting and ranking of results in a multitude of ways, from number of hits to historical probability of success. Clearly, Forman is not limited and further is open to improvement by using alternative sorting preferences. Official Notice is given that it is notoriously well known to rank "hits" in a search engine by the number of times the "hit" has been returned. This is often used in commercial search query system to allow the user to more quickly find information they desire, by presenting information the "average" user desires. Thus it would have been obvious to one of ordinary skill in the art at the time of invention, to implement well popularity ranking systems into the solution search results display of Forman thus creating user experience which potentially displays a correct more quickly.

#### ***Response to Applicant's Arguments***

Applicant has argued that software attributes are not taught. 32 clearly discloses the implementation of the Forman system in software, and thereby the gathering of software attributes.

Applicant has argued Forman does not teach “a query assembled from attributes and keywords.” Applicant has simply claimed using attributes and keywords, not explicitly how they are used. Clearly, Forman discloses defining the bounds of the query using software attributes, and the keywords in a query solve a problem.

Applicant demands support for Official having been taken. Such proof, showing the use of “popularity” in web searching as applicant demanded is provided.

***Final Disposition***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bryce P. Bonzo whose telephone number is (571)272-3655. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Beausoliel can be reached on (571)272-3645. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

*Bryce P. Bonzo*  
Bryce P Bonzo  
Primary Examiner  
Art Unit 2113